



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



September 14, 2020

Thelma Murphy, Chief
Water Permits Branch
Water Division
EPA New England
5 Post Office Square, Suite 100 (06-1)
Boston, MA 02109-3912

Subject: Powder Mill State Fish Hatchery, New Durham, NH
Certification of NPDES Permit No. NH0000710

Dear Ms. Murphy:

By letter dated December 31, 2019 and received by the New Hampshire Department of Environmental Services (NHDES) on January 7, 2020, the U.S. Environmental Protection Agency (EPA) requested state certification, in accordance with §401 of the Clean Water Act, of the proposed reissuance of an individual NPDES permit to the New Hampshire Fish and Game Department for the discharge of culture water and treated hatchery effluent from the Powder Mill State Fish Hatchery to the Merrymeeting River.

EPA gave public notice of the availability of the draft permit, including the fact sheet, on December 31, 2019. The public notice provided a public comment period until February 14, 2020, and stated that the draft permit and fact sheet could be obtained at the EPA New England website at <https://www.epa.gov/npdes-permits/new-hampshire-draft-individual-npdes-permits>, or by writing or calling the permit writer at the EPA Region 1 office.

After review of the draft permit, and correspondence dated August 21, 2020, in which EPA provided a draft response to comments and draft final permit, state certification is hereby granted pursuant to §401 of the Clean Water Act with the condition that, for the purpose of determining reasonable potential and developing permit limits, EPA use the water quality standards in New Hampshire Code of Administrative Rules Env-Wq 1700, as readopted with amendments by Document #12042 and effective on December 1, 2016. While these water quality standards have not yet been approved by EPA, NHDES has determined that they are necessary to protect water quality in New Hampshire. The final permit as received by DES from EPA on August 21, 2020, with the condition noted, will ensure that the requirements in Title L RSA 485-A and New Hampshire Code of Administrative Rules Env-Wq 1700 (Surface Water Quality Standards) are met.

Upon final issuance of the permit by EPA, NHDES may adopt the permit, including all terms and conditions, as a State Surface Water Discharge Permit pursuant to RSA 485-A:13.

Sincerely,

Thomas O'Donovan, P.E., Director
Water Division

cc: Damien Houlihan, EPA-Region 1
Danielle Gaito, EPA-Region 1
Tracy Wood, P.E., Administrator, NHDES WD-WWEB
Ted Diers, Administrator, NHDES WD-WMB
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